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DATE: 7.7.08

TO: Commissioner of Patents

COMPANY: USPTO

FAX #: 571.273.8300

FROM: Marie Hall

RE: 10/783,710

Total number of pages to transmit, including cover page: 14

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Response to Notice of Non-Compliant Amendment

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Docket No. 38-21(52743)B

JUL 07 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of Jindong Sun *et al.*  
Serial No. 10/783,710  
Filed: 02/21/2004  
For: Transgenic Plants

Art Unit: 1638  
Examiner: David H. Kruse

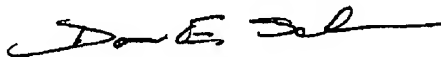
**Response to Notice of Non-Compliant Amendment**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Responsive to the Notice of Non-Compliant Amendment mailed 06/20/2008, setting a one month period for response, applicants timely submit with this communication:

- (a) a copy of the notice indicating submission of an unsigned amendment;
- (b) a copy of the Amendment and Create Statement as originally submitted on May 20, 2008, but now signed at page 8.

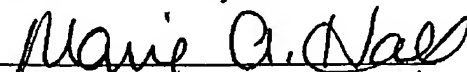
Respectfully submitted,



Donna E. Scherer  
Registration No. 34,719  
Agent for Applicant  
Phone: 860-572-5262

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this response (13 pages) is being transmitted via facsimile to the USPTO on 7 July 2008.

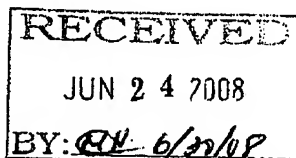
  
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27161 e 06/20/2008

MONSANTO COMPANY  
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ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E2NA)  
ST. LOUIS, MO 63167

Paper No.

52742 TEK

Application No.:	10/783,710	Date Mailed:	06/20/2008
First Named Inventor:	Sun, Jindong,	Examiner:	KRUSE, DAVID H
Attorney Docket No.:	38-21(52743)B	Art Unit:	1638
Confirmation No.:	5894	Filing Date:	02/21/2004

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

PTO-90c (Rev.08-06)

ENTERED on 6/30/08  
BY: [signature]

JUL 07 2008

<b>Notice of Non-Compliant Amendment</b> <b>(37 CFR 1.121)</b>	Application No. 10/783,710	Applicant(s) SUN ET AL.	
		Art Unit 1638	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The amendment document filed on 23 May, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

☐ 1. Amendments to the specification:

☐ A. Amended paragraph(s) do not include markings.

☐ B. New paragraph(s) should not be underlined.

☐ C. Other \_\_\_\_\_.

☐ 2. Abstract:

☐ A. Not presented on a separate sheet. 37 CFR 1.72.

☐ B. Other \_\_\_\_\_.

☐ 3. Amendments to the drawings:

☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.

☐ C. Other \_\_\_\_\_.

☐ 4. Amendments to the claims:

☐ A. A complete listing of all of the claims is not present.

☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)

☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).

☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☐ E. Other: \_\_\_\_\_.

☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /DIANE WILLIAMS/ Telephone No: (571)272-2595

U.S. Patent and Trademark Office  
PTOL-324 (04-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No. 20080523-1